

SENATE BILL 3789

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 11,
Chapter 13 and Title 11, Chapter 3, relative to
rafting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 11, Chapter 13, is amended by adding
the following as a new, appropriately designated section:

Section 11-13-1__.

(a) Notwithstanding any law, rule or regulation to the contrary, the daily commercial carrying capacity for that section of the Ocoee River between Rogers Branch and Caney Creek in the lower Ocoee River Recreational Area shall be four thousand five hundred (4,500) commercial customers for the dates on which the commercial usage on such dates during the last season exceeded four thousand five hundred (4,500) customers. Each date on which the carrying capacity was capped for the last season shall also be capped on the same date for the next season unless the commercial usage on the capped date during the previous season fell below four thousand three hundred (4,300) customers.

(b) Notwithstanding subsection (a), Hiwassee/Ocoee Scenic River State Park management shall have the authority to increase the daily commercial carrying capacity at the lower Ocoee River Recreational area to the extent staffing and infrastructure will allow, however such increase shall not exceed five hundred (500) additional commercial customers. The department, in consultation with state park management, shall conduct an annual study to analyze the effect of the increased carrying capacity and, upon a determination by the department

that either the river or the park cannot sustain the increased use, shall adjust the commercial carrying capacity to coincide with capacity levels prescribed in subsection (a).

(c) For two (2) days during any whitewater rafting season there shall be no commercial carrier capacity limitation as prescribed in subsection (a) during the three-hour period prior to the end of the scheduled water release.

(d) The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.